

COURTROOM MINUTES OF CRIMINAL PROCEEDINGS
Norfolk/Newport News Division

SENTENCING MINUTES

Set:	<u>11:30 a.m.</u>	Date:	<u>May 8, 2025</u>
Started:	<u>11:30 a.m.</u>	Judge:	<u>Raymond A. Jackson, USDJ</u>
Ended:	<u>12:10 p.m.</u>	Court Reporter:	<u>Jody Stewart, OCR</u>
		U.S. Attorney:	<u>Matthew Heck, AUSA</u>
		Defense Counsel:	<u>Andrew Bosse, Ret.</u>
		Courtroom Deputy:	<u>I. Shaw</u>
		Probation Officer:	<u>Jeffrey Noll</u>
		Interpreter	<u></u>

Case No.	<u>2:24cr111</u>		
Defendant:	<u>Michael Henry</u>	() In Custody	(X) On Bond

X Came on for disposition. _____ Deft. Sworn. _____ Interpreter sworn

X Defendant satisfied with advice, counsel, and effectiveness of counsel.

_____ Court adjudged defendant guilty of Count _____ of the _____

_____ Govt motion for acceptance of responsibility: _____ Granted _____ Denied

_____ Deft motion for downward departure: _____ Granted _____ Denied

X Presentence Report reviewed. _____ Objections heard and rulings made.

X Court adopts PSR for the purpose of establishing the advisory guidelines.

_____ Evidence presented. (Witnesses and exhibits listed on last page)

X Arguments of counsel heard. X Statement of Defendant heard.

IMPRISONMENT:

SENTENCE: Count : The defendant shall be committed to the custody of the BOP to be imprisoned for a term of _____.

_____ The defendant is remanded to the custody of the U.S. Marshal.

_____ The defendant shall surrender for service of the sentence at the institution designated by the BOP/U.S. Marshal before _ on _____, as notified by the U.S. Marshal.

_____ If defendant is unable to arrange transportation to the designated institution, the United States Marshal will arrange transportation for the defendant.

_____ If the defendant is not notified by the United States Marshal of the institution designated, the defendant shall report to the United States Marshal at 600 Granby Street, Norfolk, VA, by _____ on _____, to begin service of the sentence.

PROBATION:

 X The defendant shall be placed on probation for a term of 2 years.

SUPERVISED RELEASE:

 Upon release from imprisonment, the defendant shall be on supervised release for a term of .

 The Court will not impose a term of supervised release as it is not required by statute and the defendant is a deportable alien who likely will be deported after imprisonment.

Mandatory and Standard Conditions of Probation/Supervised Release:

The defendant shall report in person to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

While on supervised release, the defendant shall not commit another federal, state, or local crime.

While on supervised release, the defendant shall not illegally possess a controlled substance.

While on supervised release, the defendant shall not possess a firearm, destructive device, or any other dangerous weapon.

 The defendant shall refrain from any unlawful use of a controlled substance and submit to one drug test within 15 days of commencement on supervised release and at least two periodic drug tests thereafter, as determined by the court.

 X As reflected in the presentence report, the defendant presents a low risk of future substance abuse and therefore, the Court hereby suspends the mandatory condition for substance abuse testing as defined by 18 USC 3563 (a)(5). However, this does not preclude the U.S. Probation Office from administering drug tests as they deem appropriate.

 It shall be a condition of supervised release that the defendant pay any such fine or restitution that remains unpaid at the commencement of the term of supervised release in accordance with the Schedule of Payments set forth in the Criminal Monetary Penalties sheet of this judgment.

The defendant shall comply with the standard conditions of supervised release that are outlined in the PSR and are incorporated into this judgment by reference.

Additional Conditions of Probation:

 If the defendant tests positive for controlled substances or shows signs of alcohol abuse, they shall participate in a program approved by the United States Probation Office for substance abuse treatment, which program may include residential treatment and testing to determine whether the defendant has reverted to the use of drugs or alcohol, with partial costs to be paid by the defendant, all as directed by the probation officer. The defendant shall waive all rights of confidentiality regarding substance abuse treatment to allow the release of information to the United States Probation Office and authorize communication between the probation officer and the treatment provider.

 X The defendant shall participate in a program approved by the United States Probation Office for mental health treatment and follow the rules and regulations of that program. The cost of this program is to be paid by the defendant as directed by the probation officer. The defendant shall waive all rights of confidentiality regarding mental health treatment in order to allow the release of information to the United States Probation Office and authorize communication between the probation officer and the treatment provider.

 The defendant shall pay support for his minor child(ren) in the amount ordered by any social service agency or court of competent jurisdiction and shall register with the Department of Child Support Enforcement in any state in which he resides.

X Until his fine is paid in full, the defendant shall apply monies received from income tax refunds, lottery winnings, inheritances, judgments, and any anticipated or unexpected financial gains, to the outstanding court-ordered financial obligation, or in a lesser amount to be determined by the Court, upon the recommendation of the probation officer.

 X Until his fine is paid in full, the defendant shall not incur new credit charges or open additional lines of credit without the approval of the probation officer.

 X Until his fine is paid in full, the defendant shall provide the probation officer access to any requested financial information.

 The defendant is prohibited from engaging in any occupation where the defendant would have access to another individual's personal information or money.

 The offender shall participate in the Treasure Offset Program (TOP) as directed by the probation officer.

 The defendant shall participate in an educational and/or vocational program as directed by the probation officer.

 The defendant shall obtain a GED or a vocation skill during his period of supervision if not employed full-time.

 The defendant shall be on Home Detention, which shall include electronic monitoring at the defendant's expense, for a period of consecutive months/days. During this time, he/she shall remain at his/her place of residence except for employment and other activities approved in advance by the probation officer.

 The defendant shall maintain a telephone at his place of residence without party lines, telephone answering machines, a modem, "call forwarding," "caller ID," "call waiting@," portable cordless telephones or any other devices or services that may interfere with the proper functioning of the electronic monitoring equipment for the above period. Defendant shall wear an electronic monitoring device, follow electronic monitoring procedures, and pay the cost of electronic monitoring, all as directed by the probation officer.

 The defendant shall comply with the requirements of the computer monitoring program as administered by the Probation Office. The deft. shall consent to the installation of computer monitoring software on any computer to which the deft. has access. Installation shall be performed by the probation officer. The software may restrict and/or record any and all activity on the computer, including the capture of keystrokes, application information, internet history, email correspondence, and chat conversations. A notice will be placed on the computer at the time of installation to warn others of the existence of the monitoring software. The deft. shall also notify others of the existence of the monitoring software. The deft. shall not remove, tamper with, reverse engineer, or in any way circumvent the software. The costs of the monitoring shall be paid by the deft.

 The defendant shall consent to the use of wi-fi detection devices, to allow the probation officer to detect the presence of wireless signals inside or outside of the defendant's residence.

FINANCIAL PENALTIES

SPECIAL ASSESSMENT:

 X As to Count 1 , the defendant shall pay a special assessment in the amount of \$100.00 .

The total special assessment due is \$100.00 and shall be due in full immediately.

Any balance remaining unpaid on the special assessment at the inception of supervision, shall be paid by the defendant in installments of not less than \$ per month, until paid in full. Said payments shall commence sixty (60) days after defendant's supervision begins.

FINE:

_____ Court finds the defendant is unable to pay fine.

 X The defendant shall pay a fine in the amount of \$100,000.

 X Interest is waived.

RESTITUTION:

_____ The defendant shall make restitution in the amount of \$_____.

_____ Interest is waived.

_____ Restitution Judgment Order, entered and filed in open court.

SCHEDULE OF PAYMENTS:

_____ Interest will not accrue if the special assessment/fine/restitution is paid in accordance with the schedule, or any modified schedule, set by this court.

 X The special assessment/fine are due and payable immediately. Any balance remaining unpaid on the fine at the inception of supervision, shall be paid by the defendant in installments of not less than \$400.00 per month, until paid in full. Said payments shall commence 60 days after defendant's supervision begins.

_____ At the time supervision commences, the probation officer shall take into consideration the defendant's economic status as it pertains to his ability to pay the special assessment/fine/restitution ordered and shall notify the court of any change that may need to be made to the payment schedule.

_____ Each restitution payment shall be divided proportionately among the payees named.

_____ Restitution shall be made jointly and severally with _____.

_____ Nothing in the Court's order shall prohibit the collection of any judgment, fine, or special assessment by the United States.

 X Any special assessment and fine payments may be subject to penalties for default and delinquency.

_____ Since this judgment imposes a period of imprisonment, payment of Criminal Monetary penalties shall be due during the period of imprisonment. All criminal monetary penalty payments are to be made to the Clerk, United States District Court, except those payments made through the Bureau of Prisons' Inmate Financial Responsibility Program.

_____ The defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

 X The defendant notified of right of appeal.

 X Court noted that defendant waived right of appeal in plea agreement.

_____ On motion of the Government, remaining counts dismissed.

_____ The defendant is continued on present bond and cautioned re bail jumping.

_____ Court recommends to the Bureau of Prisons:

_____ The defendant be incarcerated in or near the Commonwealth of Virginia.

_____ The defendant be enrolled in a mental health program.

_____ The defendant be enrolled in a GED/educational program.

_____ The defendant be enrolled in a drug education program.

_____ The defendant be enrolled in a 500-hour Residential Drug Abuse Program (RDAP).

_____ The defendant be enrolled in a substance abuse treatment program.

_____ The defendant be enrolled in a vocational education program.

_____ Consent Order of Forfeiture, executed and filed in open court.

Additional Counts/Comments:
